



# Joint Base Lewis-McChord

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Trust and Transparency - Collaboration - Collective Responsibility



# Agenda



1. Basic Allowance for Housing (BAH)
2. BAH Diff
3. BAH Advanced Payment
4. BAH "With Dependent Rate"
5. BAH "Without Dependent Rate"
6. Common Myths



# Basic Allowance for Housing (BAH)



1. Effective 1 January 1998, in general, a member on active duty entitled to basic pay is authorized a housing allowance based on the member's grade, dependency status, and location. Rates are prescribed depending on the member's grade and whether or not the member has a dependent. The location determines the rate, and whether the allowance is BAH or OHA. The BAH rate is based on median housing costs and is paid independently of a member's actual housing costs. It is paid for housing in the U.S.
2. The determination for BAH rates is based upon the costs of adequate rental housing for civilians with comparable income levels in the same area. The Housing Service Office conducts a BAH survey annually, which sets the rates for the next calendar year. BAH rates are published by the Defense Transportation Management Office (DTMO) in December of each year.
3. **Fraudulent Claims:** Any member who submits a claim for housing allowance which contains false statements is subject to court-martial or criminal prosecution. In addition, fraudulent acceptance of benefits may cause a civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it may include a punitive separation, total forfeitures, and confinement.



# BAH DIFF



1. The BAH Diff rate is defined as the difference in Basic Allowance for Quarters (BAQ) with dependents and BAQ without dependents for the member's grade as of 31 December 1997, increased each year by the average pay raise percentage.

2. If a member is assigned to single type Gov't Qtrs (this includes barracks) or a single type housing facility under a Uniformed Service's jurisdiction and is authorized BAH solely by reason of the member's adequate child support payment, the member is authorized only BAH-DIFF.

***A member is not authorized BAH-DIFF if the child support payment is less than the member's applicable pay grade BAH-DIFF amount.***

3. A member not assigned to Gov't Qtrs, who is authorized BAH on behalf of a dependent solely on the basis of child support payment, is authorized a with dependent housing allowance. ***Single Service Members in the grade of E5 and below must have a Certificate of Nonavailability (CNA) to reside off-base to meet this requirement, it is not automatic.***

4. A member is not authorized BAH or OHA solely on the basis of the member's child support payment when the child(ren) is/are in another active duty member's custody (including a former spouse), who is assigned to Gov't owned/leased family type Qtrs) or is in receipt of a with dependent housing allowance or on behalf of the child(ren)



# BAH Diff Cont.



5. Legal Separation Agreement or Court Order Stating Support Amount. If there is a court order or legal separation agreement stating the support amount, a member must contribute to the dependent's support the amount specified therein, but in no case may the support payments be less than the applicable BAH-DIFF rate.



# BAH Advance



1. Effective April 20, 1999, when allowed by Service regulations, a member's commanding officer, the commanding officer's designated representative, or another designated official may authorize an advance BAH payment to pay advance rent, security deposits, and/or initial expenses incident to occupying other than Gov't housing. The advance may be made at any time during a member's tour at the station concerned. It also may be authorized when a member has relocated housing incident to a PCS order. Ordinarily, the advance should not be disbursed more than 3 working days before the date payment under the lease or rental agreement must be made. The member must request the advance payment within 30 days after incurring the expense(s). Housing expenses must be documented to include copies of the lease, utility company statement and any other pertinent documentation available. Expenses identified by a member to be used in the purchase of any real estate or living accommodations must not be considered as a basis for authorizing or determining the amount of the advance.
2. The advance amount is determined based on the member's current prescribed BAH rate. The member's ability to repay the advance, considering other advances of pay which may have been made and any recurring pay deductions, must be considered in determining the advance amount. ***The BAH advance must not exceed a total of 3 months BAH expected to be accrued by the member.***



# BAH Advance Cont.



3. The JBLM Finance Office informs units as a part of their PAC Certification Course, the S1 Course, HROC and other community outreach programs of the BAH Advance option to defray some of the expenses of moving into the Soldiers' primary residence.

4. The unit S1/PAC assists the Soldier in completing the required form (DA Form 4187) to request the advance and submits it on the Soldiers' behalf with a copy of the lease to the JBLM Finance Customer Service Section. It takes approximately 72 working hours before the funds are deposited into the EFT account on file or elected by the Service Member.





# BAH “With Dependent Rate”



**1. Proof of Support:** The statutory purpose of a housing allowance on behalf of a dependent is to at least partially reimburse a member for the expense of providing a private sector residence for the dependents when Gov’t Qtrs are not furnished, and not to pay a housing allowance for a dependent as a bonus merely for the technical status of being married or a parent. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a member is generally not required. However, when evidence (e.g., special investigation reports; record reviews; fraud, waste and abuse complaints; sworn testimony of individuals; statement by member) or complaints from dependents of nonsupport or inadequate support are received, proof of adequate support as stated in the Joint Travel Regulation Chapter 10, par. 10106-E is required.





# BAH “With Dependent Rate” Cont.



**2. Nonsupport:** A member who fails to support a dependent on whose behalf a housing allowance is received is not authorized a housing allowance on that dependent's behalf. **Recoup for nonsupport or inadequate support periods.** Unless a nonsupport or inadequate support period was caused by Service mission requirements (e.g., remote assignment, deployed, limited access to administrative support and/or financial networks, etc.), or outside agencies' actions (such as financial institutions, postal service, etc.) over which the member has no control, as determined by Service regulations, the subsequent arrears support payment does not authorize a member a housing allowance for the dependent for the nonsupport or inadequate support period.

***NOTE: A member does not avoid the legal responsibility to comply with a court order for support by forfeiting a housing allowance.***



# BAH “With Dependent Rate” Cont.



3. When a member is divorced from a nonmember, and they share joint legal custody of a child, and the ex-spouse is awarded primary physical custody, then the member is a **non-custodial parent** for housing allowance purposes.

4. If the member's court-ordered child support is less than the applicable BAH-DIFF rate, and the member is not residing in, or assigned to, Gov't Qtrs, the member is only authorized a housing allowance at the without-dependents rate. However, a member who pays additional support to the ex-spouse having primary custody of the child(ren) so that the total child support provided is equal to or more than the BAH-DIFF rate, and who is not assigned to Gov't Qtrs, is authorized a housing allowance at the with-dependents rate.

***Note: IAW AR 420-1, Single Service Members in the grade of E5 and below must first obtain a Certificate of Nonavailability from the Joint Base Commander prior to entering into a rental contract to receive the entitlements listed in para 4 above.***



# BAH “With Dependent Rate” Cont.



5. When a member has temporary custody of a child and they reside in a private sector residence, the cost of maintaining the residence is not a factor in determining authority for the with-dependents housing allowance rate and may not be used instead of, or in addition to, child support to qualify for increased allowances. The dependent child must reside with the member on a non-temporary basis (e.g., for a period of more than 90 consecutive days) for the member to qualify for the with-dependents housing allowance rate for the temporary period. The cost of maintaining a home may not be added to the child support amount to qualify for the increased allowances.

***Note: IAW AR 420-1, Single Service Members in the grade of E5 and below who have temporary custody or visitation rites of a child must first obtain a Certificate of Nonavailability from the Joint Base Commander prior to entering into a rental contract to reside off the installation.***



# BAH “Without Dependent Rate”



1. When a Service Member is married to another Service Member and they have **NO** dependent children, they both receive BAH at the “without dependent rate”.
2. When a Service Member is married to another Service Member and they have dependent children, one Service Member receives BAH at the “without dependent rate” and the other Service Member receives “with dependent rate”.

***Note: The senior member of the two Service Members will be given the “with dependent rate”.***

3. IAW AR 420-1, Section 3–20. Eligibility, assignment, and termination of permanent party unaccompanied personnel housing, para K, Authority to live off post. The Garrison Commanders may authorize single Soldiers in the grade of sergeant (E–5) and below to reside off base under the following conditions:

- (a) When adequate housing is not available and military necessity is not a factor.
- (b) When the Soldier is pregnant.
- (c) When the Soldier has purchased a home near the installation prior to notification of assignment to that installation.
- (d) When a Soldier married to another Soldier without Family members resides off post and 1 of the Soldiers departs on a separate tour, the other Soldier will not be ordered to return to housing.



# BAH “Without Dependent Rate” Cont.



4. Requests for an Exception to Policy for a Single Service Member in the grade of E5 and below to receive BAH at the “without dependent rate” are submitted to the FSBP Branch of the Housing Division using HJB Form 200. The FSBP Branch will then staff the action to the Joint Base Commander for a decision.
5. Garrison Commanders are the sole authority for issuance and control of CNAs for BAH at the without dependent rate. This authority can only be delegated to the base Housing Manager IAW AR 420-1, section 3-20 I.(3).



# BAH Common Myths



1. When a Service Member gets a divorce and remains in a lease, they are Entitled to BAH. (No children)

**Answer:** IAW the Joint Travel Regulation the with dependent rate BAH stops on the date the divorce is final. Service Members in the grade of E5 and below are not entitled to without dependent BAH unless they have an approved CNA.

2. When a Service Member gets a divorce and has joint custody or visitation rites with their child they are entitled to BAH at the with dependent rate.

**Answer:** IAW the Joint Travel Regulation, the Service Member is entitled to BAH DIFF. The Service Member must be named as the **"Custodial Parent"** in the divorce decree in order to qualify for BAH at the with dependent rate or have custody for 90 consecutive days or more. BAH at the with dependent rate will be issued for that timeframe of consecutive custody.

Service Members not listed as the Custodial Parent or do not have consecutive custody for 90 days or more are not entitled to BAH at the with dependent rate. Service Members in the grade of E5 and below are not entitled to without dependent BAH unless they have an approved CNA.



# BAH Common Myths Cont.



3. When a Single Service Member (E5 and below) pays additional support to their ex-spouse having primary custody of the child(ren) so that the total child support provided is equal to or more than the BAH-DIFF rate, they are entitled to BAH at the with dependent rate.

Answer: The Service Member is entitled to BAH DIFF. If the Service Member was issued a Certificate of Nonavailability through an exception to policy and is paying child support equal to or more than the BAH Diff rate then they would be entitled to BAH at the with dependent rate.

4. When a Single Service Member (E5 and below) gets a divorce and is not the custodial parent but has joint custody of their child and the court order states the child can reside with the Service Member every other week, they are entitled to BAH at the with dependent rate.

Answer: Since the Service Member is not listed as the custodial parent in the divorce decree and the timeframe is not 90 consecutive days or more they are not entitled to BAH at the with or without dependent rate. If they pay child support they would be entitled to BAH DIFF.





# BAH Common Myths Cont.



5. Single Service Members (E5 and below) that get married have a 30 day grace period to move out of the barracks, while receiving BAH at the with dependent rate.

Answer: Once the Service Member gets married they have an entitlement for BAH at the with dependent rate. However, IAW AR 420-1 chapter 3, a Service Member cannot receive two housing entitlements at the same time. Therefore, BAH cannot be started until the Service Member moves out and clears their barracks room. A copy of the termination document from eMH must be submitted with the DA Form 5960 to start the BAH entitlement.

